

Notice of Allowability

Application No.

10/626,794

Examiner

(Jackie) Tan-Uyen T. Ho

Applicant(s)

EIDENSCHINK, TRACEE E.J.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/12/07.
2. ☒ The allowed claim(s) is/are 33 and 35-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date herewith.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

(Jackie) Tan-Uyen T. Ho
Primary Examiner
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EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/07 has been entered.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joshua Randall on 3/22 and 3/26/07.

The application has been amended as follows:

33. (Currently amended) A dual balloon catheter comprising:

an elongate catheter body having a distal end region, at least a portion of the distal end region of the elongate catheter body including a disc, the elongate catheter body comprising ~~defining only~~ a single inflation lumen, a first guide wire lumen and a second guide wire lumen;

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a first balloon having a proximal portion bonded in fluid communication with the inflation lumen at the disc ~~distal end region of the elongate catheter body~~, the first balloon disposed about at least a portion of the first guide wire lumen, the first balloon having a distal portion engaged to a distal region of the first guide wire lumen; and

a second balloon having a proximal portion bonded in fluid communication with the inflation lumen at the disc ~~distal end region of the elongate catheter body~~, the second balloon disposed about at least a portion of the second guide wire lumen, the second balloon having a distal portion engaged to a distal region of the second guide wire lumen, the first balloon and the second balloon in fluid communication with the inflation lumen.

34. (Canceled)

35. (Currently amended) The catheter of claim 34 33 wherein the proximal portion of the first balloon is sealingly engaged to at least a portion of the disc.

36. (Currently amended) The catheter of claim 34 33 wherein the proximal portion of the second balloon is sealingly engaged to at least a portion of the disc.

37. (Currently amended) The catheter of claim 34 33 wherein the disc is at least partially constructed of at least one adhesive.

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42. (Currently amended) A dual balloon catheter comprising:

an elongate catheter body ~~defining~~ comprising a single inflation lumen, a first guide wire lumen, a second guide wire lumen, and a disc;

a first balloon disposed about at least a portion of the first guide wire lumen, the first balloon having a distal portion engaged to a distal region of the first guide wire lumen, and a proximal portion sealingly engaged to the disc; and

a second balloon disposed about at least a portion of the second guide wire lumen, the second balloon having a distal portion engaged to a distal region of the second guide wire lumen, and a proximal portion sealingly engaged to the disc, the disc providing a sealed connection of the first balloon and the second balloon to the inflation lumen.

43. (Currently amended) A dual balloon catheter comprising:

an elongate catheter body comprising ~~defining~~ a single inflation lumen, a first guide wire lumen, and a second guide wire lumen, the inflation lumen having a distal end opening;

a first balloon disposed about at least a portion of the first guide wire lumen, the first balloon having a distal portion engaged to a distal region of the first guide wire lumen, and a first proximal portion comprising a first proximal opening sealingly engaged within the distal end opening of the inflation lumen; and

a second balloon disposed about at least a portion of the second guide wire lumen, the second balloon having a distal portion engaged to a distal region of the second guide wire lumen, and a second proximal portion comprising a second proximal opening

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~~wherein the proximal portion of the first and second balloon are sealingly engaged to each other and~~ sealingly engaged within a the distal end opening of the inflation lumen;
wherein the first and second balloons are in to provide fluid communication between
with the inflation lumen and the first and second balloons.

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 33, 35-41, the prior art fails to disclose a dual balloon catheter comprising in combination with other limitations of the claim 33, an elongate catheter body including a single inflation lumen and a disc wherein a first balloon and a second balloon, each having a proximal portion bonded in fluid communication with the inflation lumen at the disc

Regarding claim 42, the prior art fails to disclose a dual balloon catheter comprising in combination with other limitations of the claim 42, an elongate catheter body including a single inflation lumen and a disc wherein a first balloon and a second balloon, each has a proximal portion sealingly engaged to the disc.

Regarding claims 43-45, the prior art fails to disclose a dual balloon catheter comprising in combination with other limitations of claim 42, a first balloon having a first proximal portion comprising a first proximal opening sealingly engaged within the distal end opening of the inflation lumen and a second balloon having a second proximal end comprising a second proximal opening sealingly engaged within the distal end opening of the inflation lumen.

Jiun Yan (6,013,054) discloses a first balloon and a second balloon, a first guidewire lumen and a second guidewire lumen. Jiun Yan fails to disclose a disc or proximal ends of the first and second balloon attached to a distal end opening of a single inflation lumen as claimed.

Burns (5,569,201) discloses a disc for balloon catheter but fails to suggest proximal portions of first and second balloons bonded in fluid communication with the inflation lumen at the disc.

Samson et al. (4,998,923) discloses a catheter body comprising a single inflation lumen and a disc (fig. 5) but fails to disclose suggest two balloons having proximal ends as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Jackie) Tan-Uyen T. Ho
Primary Examiner
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March 27, 2007